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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/023,118

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Reinhard Meindl

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

DESIR, PIERRE LOUIS

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,118

Applicant(s)

MEINDL ET AL.

Examiner

Pierre-Louis Desir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Novis et al. (Novis), U.S. Patent No. 5867795.

Regarding claim 1, Novis discloses a processing device for the processing of an information signal (i.e., portable electronic device) (see fig. 1), the device having a housing (i.e., housing 11) (see figs. 1-2) and having, first communication means disposed within the housing for receiving and/or transmitting the information signal (i.e., two-way voice communication transceiver 24) (see fig. 3, col. 3, lines 59-61), and having processing means for the processing of the information signal received and/or transmitting (i.e., CPU) (see col. 4, line 4), and having a second communication means disposed within the housing for the contactless retrieval of control information stored in a data carrier which is detachably connected to the housing of the processing device (i.e., sensor structure 19, which can include electronic sensors for the contactless retrieval of information) (see fig. 3, col. 3, lines 38-41; col. 4, lines 22-27; and col.

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11, lines 29-30), in which the processing of the information signal by the processing means can be influenced with the aid of the retrieved control information (see col. 4, lines 27-33).

Regarding claim 4, Novis discloses a processing device (see claim 1 rejection), in which the housing of the processing device has a recess, in which recess the data carrier can be connected detachably to the housing (i.e., slot) (see col. 3, lines 36-38).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 9-10, 12, and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novis in view of Benson, U.S. Patent No. 6292561.

Regarding claims 2 and 12, Novis discloses a processing device as described above (see claim 1 rejection).

Although Novis discloses a processing device as described, Novis does not specifically disclose a processing device, in which the detachable connection of the data carrier to the housing of the processing device is formed by an adhesive joint (or embedded in an adhesive label as related to claim 12).

However, Benson discloses a processing device wherein a SIM module card holder is adhered in an appropriate way to the body of the phone (see col. 2, lines 66 through col. 3, line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to assist in long-term stability for both the device and the SIM card.

Regarding claims 9-10, Novis discloses a data carrier (smart card) (see fig. 1), which includes a third communication means for the communication with the second communication means of the processing device (i.e., smart card circuitry) (see col. 4, lines 10-12) and a memory means for storing control information, which can be processed by a processing device (i.e., the CPU is programmed to interface with the memory and circuitry on smart card) (see col. 4, lines 10-12). Novis also discloses a smart card interface is used to couple the smart card to the CPU. The card interface may include electronic sensors in the case of contactless cards (as related to claim 10, it is well known in the art, Contactless-type smart cards is governed by the ISO 14443 standard) (see col. 11, lines 26-30).

Although, Novis discloses a data carrier as described, Novis does not specifically disclose a data carrier embedded in an adhesive label which adhesive label can be connected detachably to a processing device.

However, Benson discloses a processing device wherein a SIM module card holder is adhered in an appropriate way to the body of the phone (see col. 2, lines 66 through col. 3, line 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation

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for doing so would have been to assist in long-term stability for both the device and the SIM card.

Regarding claim 14, Novis discloses a processing device (see claim 1 rejection)

Although Novis discloses a processing device as described, Novis does not specifically disclose a processing device further including a second data carrier detachably connected to the housing of the processing device.

However, Benson discloses a processing device further including a second data carrier detachably connected to the housing of the processing device (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings to arrive at the claimed invention. A motivation to do so would have been to provide to the device the ability to switch between cards as desired.

Regarding claim 15, Novis discloses a processing device (see claim 1 rejection)

Although Novis discloses a processing device as described, Novis does not specifically disclose a processing device, wherein a plurality of data carriers are detachably connected to the processing device, and at least two of the data carriers are attached one upon the other.

However, Benson discloses a processing device wherein a plurality of data carriers are detachably connected to the processing device, and at least two of the data carriers are attached one upon the other (see abstract, fig. 17). it is also worth noting that the addition in the limitation of: at least two of the data carriers are attached one upon the other has not been given any patentable weight for the fact that applicant has not disclosed that having the data carriers in such a way would solve any stated problems. Besides the fact such a modification would have been

considered a mere design, which fails to patentably distinguish over the prior art, this addition may be considered new matter).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings to arrive at the claimed invention. A motivation to do so would have been to provide to the device the ability to switch between cards as desired.

6. Claim 3 is rejected under 35 U.S.C 103(a) as being unpatentable over Novis in view of Amtmann et al. (Amtmann) (cited by applicant).

Novis discloses a processing device as described above (see claim 1 rejection).

Although Novis discloses a processing device as described, Novis does not specifically disclose a processing device where the second communication means are adapted to generate high frequency signal, which can be utilized by the data carrier to produce supply voltage.

However, Amtmann discloses a processing device where its transmission and receiving characteristics are arranged so they can produce modulated carrier signal (high frequency signal), and such modulated carrier signal generated by the processing device can be used by the smart card (data card) to generate an operating voltage and to communicate with the control information (see figure 1 and 10, and page 7, lines 5-24).

Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the references to arrive at the claimed invention. A motivation for doing so would have been to ensure the proper communication function of the data carrier.

7. Claims 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novis in view of Page et al. (Page), U.S. Patent No. 6801787.

Novis discloses a processing device (see claim 1 rejection), in which the processing device takes the form of a mobile telephone (i.e., conventional cellular telephone) (see col. 3, lines 56) whose first communication means are adapted to receive and to transmit a telephone signal (i.e., two-way voice cellular transceiver) (see col. 2, lines 49-51) and whose processing means are adapted to process the telephone signal received and to be transmitted (see fig. 4, col. 4, lines 27-33).

Although Novis discloses a device as described, Novis does not specifically disclose a device wherein the control information retrieved from the detachably connected data carrier by the second communication means identifies a telephone number of the user of the mobile telephone and/or includes calling credit information.

However, Page discloses a portable smart card communication device with a communication means for the contactless retrieval of control information stored in a data carrier (see col. 3, lines 57-65). Page also discloses that the smart card is a non-contact or contactless smart card (see fig. 2, col. 5, lines 57-60). Furthermore, Page discloses, that it is well known in the art that a smart card device contains at least a memory device for storing information and a transceiver to communicate with a smart card communication device. The smart card communication device communicates through the transceiver on the smart card to access the stored information. The smart card communication device may simply read the information, load the information into the memory device or modify existing data in the memory device. For example, if the owner of a smart card uses a smart card containing financial information to make



a purchase, the smart card communication device can read the information including the owner's identity and the availability of funds however it may apply (see col. 1, line 34-47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the references to arrive at the claimed invention. A motivation for doing so would have been to insure the appropriate regulation of transaction/communication.

8. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novis in view of Raith, U.S. Patent 6510515.

Regarding claim 6, Novis discloses a processing device as described above (see claim 4 rejection).

Although Novis discloses a processing device as described, Novis does not specifically disclose a processing device, in which the first communication means are adapted to operate in accordance with the GSM standard and/or UMTS standard.

However, applicant does not disclose how this adaptation would have been accomplished, and what stated problem this adaptation would have solved. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination for adaptation to operate in accordance with GSM and/or UMTS standard. Such adaptation would have been considered a mere design consideration, which fails to patentably distinguish over the prior art. Also, Raith discloses a mobile station (see fig. 4), which could operate in accordance with GSM standard apparatus, which may be utilized in a conventional GSM network (see col. 4, lines 4-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings to arrive at the claimed invention. A motivation for doing so would have been to provide a device wherein the standard uses would be a standard that embraces all areas of technology, resulting in global, seamless wireless services.

Regarding claim 7, Novis discloses a processing device as described above (see claim 1 rejection).

Although Novis discloses a processing device as described, Novis does not specifically disclose a processing device, in which the processing device is a reproducing device for the reproduction of an encrypted information signal, whose first communication means are adapted to receive the encrypted information signal and whose processing means are adapted to decrypt the received encrypted information signal, and in which the control information retrieved from the detachably connected data carrier by the second communication means includes key information for decrypting the received encrypted information signal.

However, Raith discloses a processing comprising of a receiver for receiving encrypted broadcast information and for receiving a current service key usable to decrypt said encrypted information; an encryption derivation device for deriving the encryption of the current service key according to information received wirelessly by the receiver (see fig. 5-7 and col. 21, lines 23-32). Raith also discloses a decryption key, which is provided on a SIM card and may be sent to a device for decryption in the device (see col. 13, lines 41-45).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings to arrive at the claimed invention because it would

allow only eligible users to be able to receive services, and make it simple and fast to enable or disable service for a particular user.

Regarding claim 8, Novis discloses a processing device as described above (see claim 7 rejection).

Although Novis teaches a processing device as described, Novis does not specifically disclose a processing device in which the first communication means can be connected to a data network in order to retrieve the encrypted information signal.

However, Raith discloses a processing device (mobile station) comprising a receiver for receiving encrypted broadcast information associated with a broadcast information service on at least one broadcast resource (see col. 21, lines 25-27).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to combine the teachings as described to arrive at the claimed invention because it would allow only eligible users to be able to receive services, and make it simple and fast to enable or disable service for a particular user.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novis in view of Fries, U.S. Patent No. 6367701.

The combination discloses a processing device as described above (see claim 1 rejection).

Although, the combination discloses a processing device as described above, the combination does not specifically disclose a processing device, wherein the data carrier is detachably connected by magnetic means.

However, Fries discloses a data carrier (i.e., contact-less smart card) detachably connected by magnetic means (see col. 7, lines 20-24).

Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings as described to arrive at the claimed invention. A motivation to do so would have been to facilitate to attaching and detaching procedure of the card.

10. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Novis in view of Lee, U.S. Patent No. 6526287.

Novis teaches a processing device as described above (see claim 1 rejection).

Although, Novis discloses a processing device as described above, Novis does not specifically disclose a processing device, wherein the processing device is an MP3 player.

However, Lee discloses a processing device (i.e., cellular phone), wherein the processing device (i.e., cellular phone) comprises a built-in MP3 player (see col. 1 lines 22-24).

Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings to arrive at the claimed invention. A motivation to do so would have been to provide to the user an added function (i.e. listening to music).


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is 703-605-4312. The examiner can normally be reached on (571) 272-7799.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pierre-Louis Desir  
AU 2681  
08/15/2005

**JEAN GELIN**  
**PRIMARY EXAMINER**

